



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

[सं. 22] नई विल्सनी, शुक्रवार, मई 5, 1978/बैंशाख 15, 1900

No. 22] NEW DELHI, FRIDAY, MAY 5, 1978/VAISHAKHA 15, 1900

इस भाग में भिन्न पृष्ठ संलग्न वी जाती है जिससे कि यह असग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 5th May, 1978:—

I

BILL No. III OF 1978

A Bill further to amend the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1978. Short title.

2. In the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, for section 3, the following section shall be substituted, namely:— Substitution of new section for section 3.

“3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, subject to the modifications specified in sub-sections (2) and (3), apply to, or in relation to, working journalists and other newspaper employees as they apply to, or in relation to, workmen within the meaning of that Act.

15 of 1955.

14 of 1947.

(2) Section 10 of the aforesaid Act, in its application to working journalists and other newspaper employees, shall be construed as if the following sub-section had been inserted therein, namely:—

'(8) (i) Notwithstanding anything contained in this Act, any newspaper employee, including a working journalist, may apply to a Labour Court against the order of dismissal, discharge, removal, retrenchment, termination of service or suspension, as the case may be, within six months from the date of such order;

(ii) The Labour Court may set aside such an order if, in its opinion, the order is in contravention of the provisions of any law or standing order or otherwise improper or illegal, and require an employer to reinstate the said newspaper employee forthwith or by a date specified in this behalf and to pay wages for the period beginning from the date of such an order ending on the date on which the Labour Court passed ~~order~~ for his reinstatement or on the date of his reinstatement, whichever is later, or to pay to the newspaper employee in addition to such wages such sum not exceeding ten thousand rupees by way of compensation regard being had to loss of employment and possibility or otherwise of getting suitable employment thereafter;

(iii) The Labour Court in any proceeding before it under this sub-section may pass such interim orders, including the orders to pay subsistence allowance during the pendency of the case, as it may consider just and proper.'

(3) Section 25F of the aforesaid Act, in its application to working journalists, shall be construed as if in clause (a) thereof, for the period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a working journalist had been substituted, namely:—

(a) six months, in the case of an editor, and

(b) three months, in the case of any other working journalist."

STATEMENT OF OBJECTS AND REASONS

Under the Industrial Disputes Act, 1947, a dispute, or any matter connected therewith, may be referred to a Labour Court for adjudication only by the appropriate Government. The Act does not empower an employee to approach directly a Labour Court against any order for his dismissal, discharge, removal, etc., passed by his employer. The Working Journalists and other newspaper employees including non-journalist staff and their organisations have been making persistent demand to the effect that there should be a remedy in law for the redress of their grievances. The National Labour Commission has also made recommendation to this effect. It is, therefore, felt that the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 should be amended so as to provide for a direct remedy to the newspaper employees including working journalist against order of dismissal, discharge, removal, retrenchment, termination of service or suspension issued by his employer.

Hence this Bill.

S. W. DHABE.

II

BILL No. V of 1978

A Bill to make provision for financing measures for promoting the welfare of labour employed in agriculture and other rural occupations.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

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|--|---|
| 1. (1) This Act may be called the Rural Labour Welfare Fund Act, 1978. | Short title,
extent
and com-
mence-
ment. |
| (2) It extends to the whole of India. | |
| (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
|
2. In this Act, unless the context otherwise requires,— | |
| (a) “Advisory Committee” means the Advisory Committee constituted under section 5; | Defini-
tions. |
| (b) “Commissioner” means the Rural Labour Welfare Fund Commissioner, appointed under section 8 and includes any officer authorised in writing by the Commissioner to exercise any of his functions under this Act; | |

(c) "employer" means the cultivator, agency, society, corporation or any undertaking which employs rural labour;

(d) "Fund" means the Rural Labour Welfare Fund constituted under section 3;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "rural labour" means any person engaged in agriculture, handicrafts or a related occupation in rural areas, whether as a wage-earner or engaged through a contractor or engaged as a self-employed person.

Explanation.—"Self-employed person" means a small tenant, or a share-cropper or a small owner occupier who derives his main income through agriculture or a person who works on land himself with the help of his family or with the help of occasional outside labour but does not include a person who permanently employs workers or substantial number of seasonal workers or gets his land cultivated by share-croppers or tenants.

**Establish-
ment of
Fund.**

3. (1) The Central Government shall establish a Fund to be called the Rural Labour Welfare Fund.

(2) The Central Government shall, after due appropriation made by Parliament in this behalf, credit to the Fund, referred to in sub-section (1), in each financial year such sums of money as that Government considers necessary for carrying out the purposes of this Act.

**Applica-
tion of
Fund.**

4. (1) The Fund shall be applied by the Central Government to meet the expenditure in connection with measures which, in the opinion of the Central Government, are necessary or expedient to promote the welfare of the rural labour and in particular—

(a) to defray the cost of measures to be carried out for the benefit of the rural labour directed towards—

(i) the provision and improvement of water supplies and facilities for washing,

(ii) the provision and improvement of educational facilities,

(iii) the improvement of standards of living and nutrition,

(iv) the amelioration of social conditions,

(v) the provision and improvement of housing and recreational facilities,

(vi) the provision and improvement of such other welfare measures as may be prescribed;

(b) to grant loan or subsidy to a State Government, a local authority or an employer or a trade union or any other organisation in aid of any scheme approved by the Central Government for the purposes connected with the welfare of rural labour;

(c) to pay annually grants-in-aid to a State Government, or a local authority or an employer or a trade union or any other organisation who provides to the satisfaction of the Central Government wel-

fare measures and facilities of the prescribed standard for the benefit of the rural labour; so, however, that the amount payable as grants-in-aid to any such State Government, local authority, employer, trade union or organisation shall not exceed—

(i) the amount spent in providing welfare measures and facilities as determined by the Central Government or by any person specified by it in this behalf; or

(ii) such amount as may be prescribed, whichever is less:

Provided that no grants-in-aid shall be payable, in respect of any such welfare measures and facilities where the amount spent thereon, determined as aforesaid, is less than the amount prescribed in this behalf;

(d) to meet the cost of administering the Fund, including the allowances, if any, of the members of the Advisory Committees and the Central Advisory Committee constituted under sections 5 and 6 respectively and the salaries and allowances, if any, of persons appointed under section 9;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

(2) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

(3) The Central Government shall publish annually in the Official Gazette report of the activities financed from the Fund, together with an estimate of receipts and expenditure of the Fund and statement of accounts.

5. (1) The Central Government may constitute as many Advisory Committees as it thinks fit but not exceeding one for each State to advise the Central Government on such matters arising out of the administration of this Act or the Fund.

Advisory Committees.

(2) The members of the Advisory Committee shall be appointed by the Central Government, and shall be of such number and chosen in such manner as may be prescribed:

Provided that each Advisory Committee shall include an equal number of members representing the concerned Government, the employers and the rural labour.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of every Advisory Committee.

6. (1) The Central Government shall constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

Central Advisory Committees.

(2) The members of the Central Advisory Committee shall be appointed by the Central Government, and shall be of such number and chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include an equal number of members representing the Central Government, the employers and the rural labour.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of the Central Advisory Committee.

Power of
Advisory
Committees to
co-opt
members.

7. (1) Every Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) The Advisory Committee or the Central Advisory Committee may, if it considers necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote.

Appoint-
ment and
powers of
Officers.

8. (1) The Central Government may appoint as many Rural Labour Welfare Fund Commissioners, Rural Labour Welfare Fund Administrators, Inspectors and such other officers and staff as it thinks necessary for carrying out the purposes of this Act.

(2) The Central Government may, by general or special order, direct a Rural Labour Welfare Fund Commissioner to appoint such staff as is considered necessary for the purposes of this Act.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(4) Any Rural Labour Welfare Fund Commissioner, Rural Labour Welfare Fund Administrator or Inspector may—

(a) with such assistance, if any, as he may think fit, enter at any reasonable times any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

Exemptions
in certain
cases.

9. Notwithstanding anything contained in this Act, if the Central Government is satisfied that there is in force, in any State or part thereof, a law making adequate provision for the financing of activities to promote the welfare of rural labour, it may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall not apply or shall apply to such State or part thereof subject to such exemptions and modifications as may be specified in the notification.

10. The Central Government may require a State Government or a local authority or an employer to furnish for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

State
Govern-
ments, etc.
to furnish
informa-
tion.

11. (1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

Power to
make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the Fund may be applied for the measures and facilities specified in section 4;

(b) the conditions governing the grant of loan or subsidy;

(c) the conditions governing grant-in-aid;

(d) the standard of welfare measures and facilities to be provided out of this Fund;

(e) the composition of the Advisory Committees and the Central Advisory Committee constituted under sections 5 and 6, respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them, and the manner in which the Advisory Committees and the Central Advisory Committee shall conduct their business;

(f) the recruitment, conditions of service and the duties of all persons appointed under section 8;

(g) the powers that may be exercised by a Rural Labour Welfare Commissioner, a Rural Labour Welfare Administrator or an Inspector appointed under section 8;

(h) the furnishing to the Central Government by a State Government or a local authority or an employer of such statistical and other information as may be required to be furnished under section 10; and the forms in which and the period within which such statistical and other information are to be furnished;

(i) any other matter, which has to be or may be prescribed, or provided for, by the rules under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country there is a large number of rural and agricultural workers. According to the Census of 1971, the number of agricultural workers in India is 47.48 million. Their wage level is poor and many of them do not get employment throughout the year. In the industrial sector, for many industrial workers there are Labour Welfare Boards, and cess is levied and collected through legislative measures, for providing them with various amenities including housing, education and hospital facilities. There is neither similar central legislation in respect of the rural and agricultural labour in the country nor is there any justification for levying and collecting a cess for the purpose.

The proposed legislation, therefore, seeks to provide for the establishment of a Rural Labour Welfare Fund by the Central Government for the purpose of adequately and systematically financing the welfare activities to be carried out for the rural and agricultural labour throughout the country.

Hence the Bill.

S. W. DHABE.

FINANCIAL MEMORANDUM

As the Rural Labour Welfare Fund, sought to be provided for by the proposed Bill, is to be established by the Central Government after due appropriation made by law, the provisions of the Bill involve expenditure from the Consolidated Fund of India. The proposed Rural Labour Welfare Fund would, besides meeting the demands of various welfare activities throughout the country, also meet the expenditure of administering the provisions of the Act including the appointment of Advisory Committees and Officers and other staff for carrying out the purposes of the Act. It is not possible at this stage to give precise details of the expenditure involved. It is, however, estimated that when the Bill is enacted, it will involve non-recurring expenditure of about 2 lakhs of rupees and recurring expenditure of about 100 lakhs of rupees per year.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 11 of the Bill gives powers to the Central Government to frame rules on the matters specified therein. This type of delegation is a normal feature in the modern legislation. The delegation of legislation is, therefore, of normal character.

S. S. BHALERAO,

Secretary-General.

